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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,070	07/05/2001	John W. Sims	39786/MEG	2377
23363	7590	01/08/2009		
CHRISTIE, PARKER & HALE, LLP			EXAMINER	
PO BOX 7068			LANEAU, RONALD	
PASADENA, CA 91109-7068				
			ART UNIT	PAPER NUMBER
			3714	
			MAIL DATE	DELIVERY MODE
			01/08/2009 PAPER	

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UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte JOHN W. SIMS and REX A. TOWNSEND

Appeal 2008-5109
Application 09/807,070
Technology Center 3700

Decided: January 8, 2009

Before ERIC GRIMES, RICHARD M. LEBOVITZ, and STEPHEN
WALSH, *Administrative Patent Judges*.

WALSH, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal under 35 U.S.C. § 134 involving claims to a method of providing a communication interface that couples a point-of-sale system to a cash management system. The Examiner rejected the claims as obvious. We have jurisdiction under 35 U.S.C. § 6(b). We reverse.

STATEMENT OF THE CASE

The invention relates to interfaces for cash management systems. (Spec. 1, ll. 4-7.) The claims are directed to methods of providing a communication interface between a cash management system and a point-of-sale (P.O.S.) system. The claims call for providing software on the P.O.S. system to permit control of the cash management system.

Claims 1-26, all the pending claims, are on appeal. Appellants argue the claims in three groups: Claims 1-20 (App. Br. 4-9), Claims 21-23 (App. Br. 11) and Claims 24-26 (App. Br. 12). Representative claims 1, 21, and 24 read as follows:

1. A method of providing a communication interface for coupling a point-of-sale (P.O.S.) system to a cash management system having cash depositing and cash dispensing functions, the communication interface for providing communication between the P.O.S. system and the cash management system including
 providing software on the cash management system to permit operation of the cash management system over a communication link, and
 providing software on the P.O.S. system to permit control of the cash management system over the communication link.

21. A method of providing a communication interface for coupling a point-of-sale (P.O.S.) system to a cash management system for providing communication between the P.O.S. system and the cash management system including
 providing software on the cash management system to permit operation of the cash management system over a communication link, and
 providing software on the P.O.S. system to permit control of the cash management system over the communication link,
 wherein the cash management system includes a user interface, and
 providing software on the P.O.S. system to permit control of the cash management system over a communication link comprises
 providing a user interface software on the P.O.S. system which emulates the user interface of the cash management system.

24. A method of providing a communication interface for coupling a point-of-sale (P.O.S.) system to a cash management system having cash depositing and cash dispensing functions, the communication interface for providing communication between the P.O.S. system and the cash management system including

- providing software on the cash management system to permit operation of the cash management system including performing diagnostic functions over a communication link, and
- providing software on the P.O.S. system for performing the diagnostic functions on the cash management system over the communication link using a user interface device at the P.O.S. system.

The Examiner rejected the claims under 35 U.S.C. § 103(a) as obvious over the combined teachings of Brooks¹ and Meeker.²

OBVIOUSNESS ISSUES

The Examiner contends that Brooks discloses a method of providing a communication interface between a P.O.S. system and a cash management system, citing Brooks' Figures 1A and 2A. (Ans. 3.) The Examiner finds that Brooks' cash management system does not include a cash dispensing function. *Id.* According to the Examiner, Meeker's abstract and Figure 1 disclose a cash management system including a digital deposit dispensing safe. *Id.* The Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time of the invention to use Meeker's dispensing safe in Brooks' system because that "would eliminate the need for the store manager having to manually verify each cashier and also enable the store manager to spend less time counting money and more time servicing customers." (Ans. 4.)

¹ U.S. Patent No. 6,067,530, issued to Brooks, Jr. et al., May 23, 2000.

² U.S. Patent No. 5,883,371, issued to Meeker, March 16, 1999.

Appellants contend that the Office fails to demonstrate that Brooks and Meeker combined teach all of the claimed limitations. (App. Br. 7.) Further, by modifying Brooks with Meeker's cash dispensing features, the Examiner reintroduces "the very steps or stages Brooks sought to eliminate, which runs counter with the express teachings in the Brooks reference." (*Id.* at 8.) Thus, "Brooks expressly teaches away from the proposed modifications," and the modification would change Brooks' "principle of operation." (*Id.* at 9.) According to Appellants, the Office fails to demonstrate the prior art teaches or suggests a graphical user interface on the P.O.S. system to permit control of the cash management system over the communication link. (*Id.* at 10.)

Appellants contend that the Office did not show the prior art provides "a user interface software on the P.O.S. system which emulates the user interface of the cash management system" as required in claim 21. (*Id.* at 11.) Likewise, Appellants argue that the diagnostic features of claims 24-26 are not found in the references. (*Id.* at 12.) Appellants also contend that the Examiner failed to articulate reasons for rejecting claims 24-26. (Reply Br. 3.)

The issue is whether the combined disclosures of Brooks and Meeker teach or suggest all the features of Appellants' claims.

FINDINGS OF FACT

1. Brooks discloses a register **38** electronically coupled to a store host computer **43** which is coupled through a controller **36** to a drop safe **24**. (Fig. 1B.)

2. The Examiner found that Brooks' register **38** is a point-of-sale (P.O.S.) system. (Ans. 3.)
3. Brooks' drop safe **24** is a cash management system because it receives bills and comprises a bill validator and a removable bill canister. (Col. 5, ll. 25-30.)
4. Brooks' "controller **36** is electronically coupled to the electronic drop safe **24** (in particular, to the bill validator **44** in the drop safe **24**) via a data interface line **39**." (Col. 6, ll. 6-8.)
5. Brooks' controller **36** controls access to the drop safe, which cannot accept deposits without a specific cashier number keyed into the controlled. (Col. 12, ll. 39-46.)
6. Bill validator **44** passes information such as bill denomination to the controller **36**. (Col. 6, ll. 8-10.)
7. Controller **36** shown in Brooks' Fig. 1B "communicates electronically with the store host computer **43** over data interface lines 42B." (Col. 6, ll. 61-65.)
8. "[T]he store host computer **43** is updated by the controller **36** each time a drop is made into the electronic safe **24**." (Col. 6, l. 65 – col. 7, l. 1.)
9. Brooks' P.O.S. system does not include software that permits control of the cash management system electronic safe.
10. Brooks' P.O.S. system does not include user interface software which emulates the user interface of the cash management system electronic safe.

11. Brooks' P.O.S. system does not include software for performing diagnostic functions on the cash management system electronic safe.
12. Meeker discloses a combination money deposit and dispensing safe. (Col. 1, ll. 40-51.)
13. Meeker's safe embodies cash receiving and dispensing devices, and a central processing unit with software for accounting purposes. (Col. 2, ll. 56-58.)
14. Meeker's safe may provide change to cashiers. (Col. 3, ll. 33-35.)
15. Meeker's safe was particularly designed to provide a total cash control system, especially for large retail outlets. (Col. 6, ll. 37-39.)
16. Meeker does not describe coupling the safe to a P.O.S. system.

PRINCIPLES OF LAW

Section 103 of Title 35 prohibits a patent when "the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains."

Obviousness is a question of law based on fact findings. The scope and content of the prior art are determined; differences between the prior art and the claims at issue are ascertained; and the level of skill in the art is resolved. *Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966). Against that background, the obviousness or nonobviousness of the subject matter is determined. *Id.*; *In re Kahn*, 441 F.3d 977, 985 (Fed. Cir. 2006). The determination of obviousness is made with respect to the subject matter as a

whole, not separate pieces of the claim. *See KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1734 (2007).

“During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.” *In re Zletz*, 893 F.2d 319, 322 (Fed. Cir. 1989). A prior art reference teaches away from an applicant’s invention “when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant.” *In re Gurley*, 27 F.3d 551, 553 (Fed. Cir. 1994).

ANALYSIS

The Examiner found that the sole difference between Brooks’ system and Appellants’ claimed invention was Brooks’ lack of a cash dispensing function. (Ans. 3-4.) We find additional differences. Brooks also does not expressly disclose or imply that register 38 has software for controlling electronic drop safe 24. The Examiner identified Brooks’ register 38 as corresponding to the P.O.S. system in Appellants’ claims. (Ans. 3.) The Examiner cited Brooks’ Fig. 1A as evidencing software on the P.O.S. system to permit control of the cash management system “over the internet,” and Brooks’ Fig. 2A, 39, as evidencing control of the cash management system over the communication link. (Ans. 3.) Brooks’ Fig. 1B and 2B appear more pertinent to the claims than Fig. 1A and 2A. However, Brooks’ descriptions of the subject matter in Figs. 1A, 1B, 2A, and 2B do not support the Examiner’s findings. *See Brooks* at col. 5 – col. 7. Because register 38 does not control drop safe 24, Brooks does not meet the claim limitation

“providing software on the P.O.S. system to permit control of the cash management system over the communication link” as recited in claims 1 and 21. Although Brooks’ Figure 1B shows a device labeled “controller 36,” no control functions from register 38 are suggested. (FF4-9.) Meeker does not discuss P.O.S. systems and does not suggest software on P.O.S. systems for controlling a cash deposit and dispensing safe. Thus Meeker does not make up for the differences between Brooks and Appellants’ claims. On this record, we conclude that Brooks and Meeker do not teach or suggest all the features of Appellants’ claims 1-20.

Claim 21 requires providing user interface software on the P.O.S. system which “emulates” the user interface of the cash management system. We do not find this feature taught in Brooks. (FF10.) The Examiner’s Answer does not address this feature. On this record, we conclude that Brooks and Meeker do not teach or suggest all the features of Appellants’ claims 21-23.

Claim 24 requires providing software on the P.O.S. system for performing “diagnostic functions” on the cash management system. We do not find this feature taught in Brooks. (FF11). The Examiner’s Answer does not address this feature. On this record, we conclude that Brooks and Meeker do not teach or suggest all the features of Appellants’ claims 24-26.

We conclude that the Examiner did not establish a prima facie case of obviousness.

CONCLUSIONS OF LAW

The combined disclosures of Brooks and Meeker do not teach or suggest all the features of Appellants' claims.

SUMMARY

We reverse the rejection of claims 1-26 for obviousness over Brooks and Meeker.³

REVERSED

cdc

CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA CA 91109-7068

³ Appellants requested a hearing. In view of this decision reversing the rejection, a hearing is not needed. 37 C.F.R. § 41.47(f).